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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,449	04/22/2004	Tetsuya Murakami	AI 337	6325
7590 02/03/2006				
RABIN & BERDO, P.C. Suite 500 1101 14 Street, N.W. Washington, DC 20005			EXAMINER YEAGLEY, DANIEL S	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,449

Applicant(s)

MURAKAMI, TETSUYA

Examiner

Daniel Yeagley

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22/04, 9/6/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to an unpublished U.S. application, **foreign application** or patent, or to a publication as cited on page 18, last paragraph is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2 and 4 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Auguera '314.

Auguera shows an electric power steering apparatus comprising a pinion 20 provided on a shaft 21 co-rotatable with a steering member (column 2), a steering shaft 40 with a rack meshed with the pinion (figure 1), a motion converting mechanism comprising a rotary cylinder

Art Unit: 3611

(ball nut 33) surrounding the steering shaft and driven by a steering assist electric motor 30, wherein a screw shaft is provided as a part of the steering shaft with balls that engage with the ball nut and the screw shaft, and includes a steering shaft guiding device comprising a guide 43 movably in a direction perpendicular to the axial direction of the steering shaft and a biasing member (figure 3) which biases the steering shaft toward the pinion, such that one of the pinion and the guide is located forwardly of the steering shaft and the other is located rearwardly of the steering shaft (figure 1), wherein the steering shaft is supported by the rotary cylinder, the pinion and the guide with the pinion being located between the rotary cylinder and the guide axially of the steering shaft, such that a distance between a middle position of the rotary cylinder and a middle position of the guide is greater than a distance between the middle position of the rotary cylinder and a middle position of the pinion and further includes a housing accommodating at least part of the steering shaft, such that a first support portion rotatably supports the rotary cylinder via a bearing 34, a second support portion which rotatably supports the shaft 21 provided with the pinion via a bearing (figure 2), and a third support portion which supports the guide (figure 3).

4. Claims 1 – 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Menjak et al '040.

Menjak shows an electric power steering apparatus comprising a pinion 7 provided on a shaft 5 co-rotatable with a steering member, a steering shaft 3 with a rack meshed with the pinion (figure 3), a motion converting mechanism comprising a rotary cylinder (ball nut 14) surrounding the steering shaft and driven by a steering assist electric motor 10, wherein a screw shaft is provided as a part of the steering shaft with balls that engage with the ball nut and the

Art Unit: 3611

screw shaft (column 4), and includes a steering shaft guiding device 19 comprising a guide movably in a direction perpendicular to the axial direction of the steering shaft and a biasing member 23 which biases the steering shaft toward the pinion, such that one of the pinion and the guide is located forwardly of the steering shaft and the other is located rearwardly of the steering shaft (figure 1A), wherein the steering shaft is supported by the rotary cylinder, the pinion and the guide with the pinion being located between the rotary cylinder and the guide axially of the steering shaft, such that a distance between a middle position of the rotary cylinder and a middle position of the guide is greater than a distance between the middle position of the rotary cylinder and a middle position of the pinion (as seen in figure 1A, where the center of the guide device is slightly off-set from the center of the pinion), wherein Figure 1A discloses a distance between a middle position of the rotary cylinder and a middle position of the pinion as measured in the axial direction of the steering shaft as being 20 to 45 times a distance between the middle position of the pinion and a middle position of the guide and further includes a housing accommodating at least part of the steering shaft, such that a first support portion rotatably supports the rotary cylinder via a bearing 15, a second support portion which rotatably supports the shaft 21 provided with the pinion via a bearing (figure 3), and a third support portion which supports the guide (figures 1A , 5A).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Budaker et al '985 shows an electric power steering apparatus having a rack supported by a pinion, a steering shaft guiding device on an opposite side of a steering shaft and a motion converting mechanism.


Art Unit: 3611

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.



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